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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,070	12/30/2003	Alexander Virvo	VLAS-0006	7946
23550	7590	05/27/2010		
HOFFMAN WARNICK LLC			EXAMINER	
75 STATE STREET			DAVIS, CASSANDRA HOPE	
14TH FLOOR				
ALBANY, NY 12207			ART UNIT	PAPER NUMBER
			3611	
			NOTIFICATION DATE	DELIVERY MODE
			05/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/749,070

Applicant(s)

VIRVO, ALEXANDER

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6-11,13-15 and 18 is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Allowable Subject Matter

1. The indicated allowability of claims 16 and 17 is withdrawn in view of the newly discovered reference(s) to Singer, Leigh, US Patent 3766675 and Evens, US Patent 6692092. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singer, U. S. Patent 1,486,695 in view of Leigh, US Patent 3766675.

4. Singer teaches a folding display device comprising: a center panel a'; a left tray e'; and a right tray d', wherein the left tray is attached to the center panel with a first flexible hinge 8' and the right tray is attached to the center panel with a second flexible hinge 8' and wherein said center panel. The left and right trays are formed from a single piece of material and further wherein the left and right trays are defined by a substantially flat floor panel 40 and 18 and four walls including a top wall 22 and 44, bottom wall, 40 and 18, and two side walls 32, 27, 10 and 15. The walls and panel defining a cavity having an opening 5 providing access thereto.

5. Leigh teaches a foldable display comprising a plurality of "stacking tabs" or connectors 12 for interconnecting successive tiers of the display to each other. It would have been obvious to one having ordinary skills in the art at the time this invention was

made to construct the foldable display device taught by Singer with connectors or stacking tabs as taught by Leigh to provide a means to stack or interconnect successive tiers of the display together.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singer. U. S. Patent 1,486,695 in view of Evans, US Patent 6692092.

7. Singer teaches a folding display device comprising: a center panel a'; a left tray e'; and a right tray d', wherein the left tray is attached to the center panel with a first flexible hinge 8' and the right tray is attached to the center panel with a second flexible hinge 8' and wherein said center panel. The left and right trays are formed from a single piece of material and further wherein the left and right trays are defined by a substantially flat floor panel 40 and 18 and four walls including a top wall 22 and 44, bottom wall, 40 and 18, and two side walls 32, 27, 10 and 15. The walls and panel defining a cavity having an opening 5 providing access thereto.

8. Evans teaches a display device comprising a central member 12 and two side members 14 hinged to opposite side edges of the central member. Evans also teaches closure tabs 62 on each of the side member to retain the device in a closed position. See figure 3.

9. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the folding display taught by Singer with a closure tab as taught by Evans to provide a means to retain the device in a closed position.

Allowable Subject Matter

10. Claims 1, 2, 6-11, 13-15 and 18 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/
Primary Examiner
Art Unit 3611

CD